



REMARKS

Claims 1-68 are pending in the above-identified application. The Examiner contends that the above-identified application contains claims directed to two patentably distinct species regarding the period of administration of a substance. Thus, the Examiner has required an election of a single disclosed species under 35 U.S.C. § 121 from each of the following groups of species:

- A. administration of the substance over not more than 10 minutes;
- B. administration of the substance over 10 minutes.

Without admitting that the species identified by the Examiner are patentably distinct and in order to be fully responsive, Applicant hereby elects Group A (related to administration of a substance over not more than 10 minutes, *i.e.*, bolus administration), for prosecution on the merits, without prejudice to Applicant's right to pursue the non-elected subject matter in related applications. Once the claims directed to the species disclosed in Group A are deemed allowable, Applicant will be entitled to consideration of patentability of the generic claims (M.P.E.P. § 809.02 (a)).

CONCLUSION

Entry of the remarks made herein is respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Date: October 24, 2003

Respectfully submitted,

by: *Jacqueline Benin*
Laura A. Coruzzi Reg. No. 43,492
30,742
Laura A. Coruzzi (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036
(212) 790-9090

RECEIVED

OCT 31 2003

TECHNOLOGY CENTER R3700